

PATENTREMARKS

Claims 1-9, 13, 14, 33-41, 45, and 46 are pending in this application. In the Office Action, claims 1-9, 13-19, 33-41, 45, and 46 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,690,971 to Schauerte et al. Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Schauerte et al. in view of U.S. Patent Number 6,314,323 to Ekwall. Claims 15-20 have been canceled. Reconsideration of the remaining claims is respectfully requested in light of the above claim amendments and following remarks.

Applicant has amended independent claims 1 and 33 to place those claims in condition for allowance. For example, claim 1 as amended is directed to a method for increasing cardiac output. According to the claim, a first electrode is placed proximate to a left sympathetic nerve pathway and a second electrode is placed proximate to a right sympathetic nerve pathway. A determination is then made as to whether to increase heart rate or increase inotropy. In response to the determination, an electrical signal is either delivered to the first electrode, if it is desired to increase inotropy, or to the second electrode if it is desired to increase the heart rate. Thus, the claimed method determines whether to stimulate the right sympathetic pathway or the left sympathetic pathway depending on whether it is desired to increase inotropy or to increase heart rate.

In contrast, the Schauerte et al. patent describes that to increase heart rate or the pumping force of the heart, electrodes may be implanted in the "right and/or left arteria subclavia or vena subclavia or the pulmonary veins or the coronary sinus." (Col. 4, lines 32-36). However, nowhere do Schauerte et al. teach or suggest that the left sympathetic nerves be used to increase inotropy and the right sympathetic nerves be used to increase heart rate. Moreover, Schauerte et al. do not teach determining whether to increase inotropy or heart rate, and to then stimulate either the right or left sympathetic nerves in response to the determination. Thus, it is respectfully submitted that claims 1 and 19, as well as the claims that depend from those claims, are allowable.

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The Eckwall et al. reference is cited against claim 20 because it teaches integrating a pressure signal to determine cardiac output. However, Eckwall et al. do not teach or suggest determining whether to increase heart rate or inotropy, and then stimulating a corresponding sympathetic nerve based on the determination. Therefore, claims 1 and 33 are allowable over the cited references, and claim 20 is allowable as well.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

1/12/05

Date



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